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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/578,627

05/25/2000

Andrew J. Prokop

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7590 07/19/2004

EXAMINER

QURESHI, AFSAR M

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ART UNIT

PAPER NUMBER

2667

DATE MAILED: 07/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/578,627

Applicant(s)

PROKOP ET AL.

Examiner

Afsar M Qureshi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 May 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 30 is/are allowed.
- 6) ☒ Claim(s) 1-13, 16-20 and 23-29 is/are rejected.
- 7) ☒ Claim(s) 14, 15, 21 and 22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 23.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claim 3 is objected to because of the following informalities: In line 2, "...routine to perform a *service*..." is not clear. The Examiner failed to find, from Specification, as to what specific service it is referring to. Appropriate correction is required.

2. The disclosure is objected to because of the following informalities: On page 7, line 19 "SIP proxy system 24 ..." should read as --SIP proxy system 22...". The Examiner believes it is a typographical error.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-13, 16 - 20, 23-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Sollee et al. (US 6,757,732).

Regarding claims 1-13 and 16, Sollee et al. ('Sollee' hereinafter) disclose a method for use in an SIP clients system, sending SIP requests (control message) to

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perform call requests. It also includes an application program (software, claim 3) that accepts SIP requests, establishes a call session (claim 4) and sends back responses to SIP requests (see col. 5, lines 26-55). Sollee further discloses a special processing wherein an SIP message is compared with the expected message (see col. 10, lines 55 through col. 11, line 6). Call control tasks 160 (figure 3) generate control signaling according to predetermined protocol for establishing RTP via RTP layer 158 (claims 5 and 6) and a control unit 170 executes various software routines from user interface (claims 9, 10) in the call system 100 (see col. 6, lines 51 through col. 7, lines 1-9, fig. 3). The network elements 14, 18, 22 and 34 (figure 1), referred to as SIP systems by Sollee are 'protocol aware modules' and SIP servers function as separate modules that receive the requests; compare the information and perform call requests (claim 11). As further disclosed in col. 6, lines 9-14, a validity check is performed by systems 56 and 58 on the current state of an established call session that inherently involve both called and called (claims 12 and 13). Sollee discloses a version of SIP in RFC 2543 that is used to initiate call sessions as well as invite request for members to session (see col. 4, lines 66 through col. 5, lines 1-18) (claim 16).

Regarding claims 17- 19, Sollee discloses a processor, an interface (162), protocol aware module to process the call request (SIP client system, as discussed above), a user interface (162) and a network interface 150, a speech processing routine (168) that performs further processing of voice data in addition to call control (claims 18, 19) (see col. 6, lines 64 through col. 7, lines 1-9figure 3).

Regarding claim 20, already discussed in the rejection of claim 1 above, voice data sent across data network use e-mail, file transfer, web browsing and other exchanges of digital data (see col. 4, lines 66 through col. 5, lines 1-8).

Regarding claims 23 and 24, these limitations are already addressed in the rejection of claims 8 and 16, respectively.

Regarding claim 25, As discussed above, in the rejection of claim 1, the call control system, disclosed by Sollee, include storage device 172 (figure 3) in which instructions and data associated with the various software routines is stored (see col. 7, lines 3-9).

Regarding claim 26, already discussed in the rejection of claims 5 and 6 above.

Regarding claim 27, the network elements 14, 18, 22, etc., are capable of participating in text-based chatting session (see Abstract).

Regarding 28, already discussed in the rejection of claim 7 above.

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Regarding claim 29, Sollee discloses SIP signal, and claims successfully, comprising software instructions (discussed in the rejection of claim 1 above) to receive call request and launch plural tasks (see col. 14, claims 25 and 26).

Allowable Subject Matter

4. Claims 14, 15, 21 and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Claim 30 is allowed over prior art of record. The prior art of record fails to disclose a "controller launching a first software routine if the first set of rules is satisfied and to launch a second software routine if the second set of rules is satisfied".

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Aravamudan et al. (US 6,301,609) disclose features and capabilities associated with instant messaging in which the user is able to define various rules for responding to data received.


Sollee et al. (WO 01/69899) disclose communication system using SIP messaging to establish the call session between the devices over the data network.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Afsar M Qureshi whose telephone number is (703) 308 8542.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on (703) 305 4378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


AFSAR QURESHI
PATENT EXAMINER
July 14, 2004